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Case No.: UO432869 DISTRICT COURT
Chapter 13ST. PAUL, MN

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(Debtors Attorney)

25

Jasmine Z. Keller
Chapter 13 Trustee
12 South 6th Street, Suite 310
Minneapolis, MN 55402

United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief in the motion or objection and may enter an order granting that relief.

CLOUTIER LAW OFFICES, PA

Dated: 8/20/04

By: Elizabeth A. Cloutier
Elizabeth A. Cloutier (#192661)
Attorney for Debtor(s)
250 Northstar East Building
608 Second Avenue South
Minneapolis, MN 55402
(612) 332-5100

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Marc Harold Ferris and
Tracie Kay Ferris,
Debtor(s)

**SECOND
MODIFIED CHAPTER 13 PLAN**
(Pre-Confirmation)

Dated: 7/14/04

Case No.: 04-32869

1. PAYMENTS BY DEBTORS -

- a. As of the date of this plan, the debtor has paid the trustee \$2,451.35.
b. After the date of this plan, the debtor will pay the trustee \$ 1,669.00 per month for * months, beginning within 30 days after the filing of this plan for a total of \$ * .

*Number of months and amount to be determined after
Debtors' tax refunds for prior tax years are paid into the Plan.

- c. The debtors will also pay the trustee ** .

** Amount of Tax Refunds to be determined after IRS and
Minnesota Revenue adjust claims and determine total amount
of Debtors' refund (estimated in excess of \$10,000.00).

- d. The debtor will pay the trustee a total of \$ *** [line 1(a)+line 1(b)+line 1(c)].

***Total amount owing by Debtors' is unknown at this time.
IRS and Minnesota Revenue have received Debtors' tax
returns and are currently assessing the amount of any
claim/refund. They will then adjust their claim accordingly.
Debtors' expect to receive refunds sufficient to cover any
amount owing the IRS or Minnesota Revenue. Total amount
owing all creditors and trustee is estimated at \$78,148.62.

- 2. PAYMENTS BY TRUSTEE** - The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 7,104.42 [line 1(d)x.10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

- 3. PRIORITY CLAIMS** - The trustee shall pay in full all claims entitled to priority under §507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Attorneys Fees	\$ <u> 0 </u>	\$ <u> 0 </u>	<u> </u>	<u> </u>	\$ <u> 0 </u>
b. Internal Revenue Service and	\$ <u> 0 </u>	\$ <u> 0 </u>	<u> </u>	<u> </u>	\$ <u> 0 </u>
c. Minn. Dept. of Revenue	\$ <u> 0 </u>	\$ <u> 0 </u>	<u> </u>	<u> </u>	\$ <u> 0 </u>
d. <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
e. TOTAL					\$ <u> 0 </u>

4. **LONG-TERM SECURED CLAIMS NOT IN DEFAULT** - The following creditors have secured claims. Payments are current and debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

a. _____
b. _____

5. **HOME MORTGAGES IN DEFAULT [§1322(b)(5)]** - The trustee will cure defaults on claims secured by only a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>RBMG (1st Mtg)</u>	<u>\$ 11,363.12</u>	<u>See Schedule A*</u>	<u>1</u>	<u>9</u>	<u>\$ 11,363.12</u>
b. _____	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
c. _____	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
d. TOTAL					<u>\$ 11,363.12</u>

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§1322(b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
b. _____	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
c. _____	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
d. TOTAL					<u>\$ _____</u>

7. **OTHER SECURED CLAIMS [§1322(a)(5)]** - The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. §1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. §506(a).

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>Provincial Bank</u> <u>(2nd Mortgage)</u>	<u>\$ _____</u>	<u>\$21,087.11</u>	<u>See Schedule A*</u>	<u>9</u>	<u>15</u>	<u>\$ 21,087.11</u>
b. <u>Chrysler Financial</u>	<u>\$ _____</u>	<u>\$18,224.60</u>	<u>See Schedule A*</u>	<u>23</u>	<u>13</u>	<u>\$ 18,224.60</u>
c. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
d. TOTAL						<u>\$ 39,311.71</u>

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶9, there shall be a separate class of nonpriority unsecured creditors described as follows: ____.

a. The debtor estimates that the total claims in this class are \$ _____.
b. The trustee will pay this class \$ _____.

9. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶2,3,5,6,7 and 8 their pro rata share of approximately \$ 20,369.37 [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d), and 8(b)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶7 are \$ 0.00.
b. The debtor estimates that the total unsecured claims (excluding those in ¶7 and ¶8 are \$ 20,369.37.
c. Total estimated unsecured claims are \$ 20,369.37 [line 9(a)+line9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶1, but not distributed by the trustee under ¶2,3,5,6,7,8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

11. **OTHER PROVISIONS** -

12. **SUMMARY OF PAYMENTS** -

Trustee's Fee [Line 2]	\$	<u>7,104.42</u>
Priority Claims [Line 3(e)]	\$	<u>0.00</u>
Home Mortgage Defaults [Line 5(d)]	\$	<u>11,363.12</u>
Long-term Debt Defaults [Line 6(d)]	\$	
Other Secured Claims [Line 7(d)]	\$	<u>39,311.71</u>
Separate Class [Line 8(b)]	\$	
Unsecured Creditors [Line (c)]	\$	<u>20,369.37</u>
TOTAL [must equal line 1(d)].....	\$	<u>78,148.62</u>

Attorney, Elizabeth A. Cloutier #192661
Cloutier Law Offices, P.A.
608 - 2nd Ave. S., Ste. 250
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(612) 332-5100

Signed: _____

Debtor: _____

Signed: _____

[Signature]
[Signature]

Chapter 13 Plan
SCHEDULE A
Schedule of Payments

Case No.: 04-32869

			<u>Trustee Fee (10%)</u>
1.	RBMG (1 st Mortgage)	\$ 704.12	\$ 78.23
2.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
3.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
4.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
5.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
6.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
7.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
8.	RBMG (1 st Mortgage)	\$ 1,502.10	\$ 166.90
9.	RBMG (1 st Mortgage)	\$ 144.30	(\$11,363.12) \$ ---
9.	Provincial Bank (2 nd Mortgage)	\$ 1,357.80	\$ 166.90
10.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
11.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
12.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
13.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
14.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
15.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
16.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
17.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
18.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
19.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
20.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
21.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
22.	Provincial Bank (2 nd Mortgage)	\$ 1,502.10	\$ 166.90
23.	Provincial Bank (2 nd Mortgage)	\$ 202.01	(\$21,087.11) \$ ---
23.	Chrysler Financial	\$ 1,300.09	\$ 166.90
24.	Chrysler Financial	\$ 1,502.10	\$ 166.90
25.	Chrysler Financial	\$ 1,502.10	\$ 166.90
26.	Chrysler Financial	\$ 1,502.10	\$ 166.90
27.	Chrysler Financial	\$ 1,502.10	\$ 166.90
28.	Chrysler Financial	\$ 1,502.10	\$ 166.90
29.	Chrysler Financial	\$ 1,502.10	\$ 166.90
30.	Chrysler Financial	\$ 1,502.10	\$ 166.90
31.	Chrysler Financial	\$ 1,502.10	\$ 166.90
32.	Chrysler Financial	\$ 1,502.10	\$ 166.90
33.	Chrysler Financial	\$ 1,502.10	\$ 166.90
34.	Chrysler Financial	\$ 1,502.10	\$ 166.90
35.	Chrysler Financial	\$ 401.41	(\$18,224.60) ---

Chapter 13 Plan
Schedule of Payments

Case No.: 04-32869

			<u>Trustee Fee (10%)</u>
35.	Unsecured Creditors	\$ 1,100.69	\$ 166.90
36.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
37.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
38.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
39.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
40.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
41.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
42.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
43.	Unsecured Creditors	\$ 1,502.10	\$ 166.90
44.	Unsecured Creditors	\$ 1,502.10	\$ 16.39
45.	Unsecured Creditors	\$ 1,502.10	\$
46.	Unsecured Creditors	\$ 1,502.10	\$
47.	Unsecured Creditors	\$ 1,502.10	\$
48.	Unsecured Creditors + Trustee Fee	\$ 1,243.48	(\$20,369.37) \$

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

RECEIVED

In re: Marc Harold Ferris,
Tracie Kay Ferris
Debtor(s).

Case No.: 04 AUG 23 AM 9:26
Chapter 13 04-32869
U.S. BANKRUPTCY COURT
ST. PAUL, MN

UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, attorney for Debtors and licensed to practice law in this court, with offices at 608 Second Avenue South, Suite 250, Minneapolis, MN 55402, deposes and states below, I served a **Notice of Modification of Chapter 13 Plan (Pre-Confirmation)** and **Modified Chapter 13 Plan (Exhibit A)**, upon each of the entities named below by United States Mail at their last known address:

Jasmine Z. Keller
Chapter 13 Trustee
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Minneapolis, MN 55402

United States Trustee
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300 South Fourth Street
Minneapolis, MN 55415

Thomas B. Heffelfinger
United States Attorney
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

David L. Zoss
Special Assistant United States Attorney
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St. Paul, MN 55101

Minnesota Department of Revenue
Collection Enforcement Unit
P.O. Box 64447
551 Bankruptcy Section
St. Paul, MN 55164

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MANITOWOC, WI 54221-1566

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20195 HOLYOKE AVENUE
LAKEVILLE, MN 55044

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LACROSSE, WI 54602-2288

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14135 CEDAR AVENUE SOUTH
APPLE VALLEY, MN 55124

EPPA
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WELLS FARGO BANK
6TH & MARQUETTE
MINNEAPOLIS, MN 55402

I declare, under penalty or perjury, that the foregoing is true and correct.

Executed: 8/20/04

Signed: 
Elizabeth A. Cloutier